

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

ADAM KANUSZEWSKI, et al,
Plaintiffs,

Case No.: 18-cv-10472

v.

Hon. Thomas L. Ludington,
District Court Judge

MICHIGAN DEPARTMENT OF
HEALTH AND HUMAN
SERVICES, et al,
Defendants

Hon. Patricia T. Morris,
Magistrate Judge

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**RESPONSE TO STATE DEFENDANTS'
EX PARTE MOTION FOR PAGE LENGTH EXTENSION**

NOW COMES Plaintiffs, by counsel, and responds to the State Defendants' *ex parte* request for a page limit extension of ten additional pages for their response to Plaintiffs' First Amended Complaint. **ECF Nos. 26 and 29.** Their proposed motion to dismiss follows the filing of the First Amended Complaint. *Id.* Plaintiffs filing of the expanded First Amended Complaint after submission of the Defendants' previous filed motions to dismiss mooted the latter. *Tiffany v. Mich Dep't. of Health and Human Servs.*, 2015 U.S. Dist. LEXIS 126368, at *2 (E.D. Mich, Sep. 22, 2015)(LUDINGTON, J.)(citing *Smith & Nephew Inc. v. Fed. Ins. Co.*, 113 F. App'x 99, 102 (6th Cir. 2004) and *Mize v. Blue Ridge Bank*, No. 8:12-CV-2763-JMC-JDA, 2013 WL 1766659, at *1 (D.S.C. Feb. 12, 2013) (collecting cases)); see also *Ling v. Twp of Richland*, 2015 U.S. Dist. LEXIS 10831, at *3 (ED Mich, Jan. 30, 2015) (LUDINGTON, J.). The parties agreed to an extension of time to allow all defendants time to respond to the First Amended Complaint. **ECF No. 28.**

Previously, this Court granted a page extension on the State Defendants' dismissal motion. See **ECF Nos. 18 and 21.** It also simultaneously granted Plaintiffs an equal page-extension as part of their response. *Id.* Because the Court granted one side a benefit, providing an equal extension to Plaintiffs rendered the relief fair and prevented procedural prejudice.

Therefore, to the extent this Court would again permit additional briefing length than allowed by the Local Rule of the Eastern District of Michigan, Plaintiffs would not object *provided* this Court again automatically grant the Plaintiffs, page for page, the opportunity to enjoy the same extension length when responding to the proposed oversized filing of the State and its officials sued in this case. In other words, Plaintiffs have no objection to entry of an order providing essentially the same relief as this Court's order of April 12, 2018.

RELIEF REQUESTED

WHEREFORE, Plaintiffs, by counsel, respectfully defers to this Court on whether to grant the page extension for which Plaintiffs will not object *provided* this Court grants Plaintiffs the same number of available pages when responding to the State Defendants' forthcoming motion.

Date: May 24, 2018

RESPECTFULLY SUBMITTED:

/s/ Philip L. Ellison

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CERTIFICATE OF SERVICE

I, the undersigned attorney of record, hereby certify that on the date stated below, I electronically filed the foregoing with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel or parties of record.

Date: May 24, 2018

RESPECTFULLY SUBMITTED:

/s/ Philip L. Ellison

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